

AMENDED IN ASSEMBLY APRIL 28, 2010

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2454

Introduced by Assembly Member Torlakson

February 19, 2010

An act to add Sections 49404 and 49426.5 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2454, as amended, Torlakson. Pupil health.

Existing law requires the governing board of any school district to give diligent care to the health of pupils, and authorizes school boards to employ properly certified persons for the work.

This bill, on and after July 1, 2020, would require the governing board of a school district to employ at least one school nurse, registered nurse, or licensed vocational nurse for every 750 pupils. *Schools with more than 750 pupils would not be required to employ more than one nurse.* The bill would require registered nurses and licensed vocational nurses to provide health care services to pupils under the supervision of a school nurse, *as specified. The bill would provide that the number of pupils enrolled at a school served by a school health center, as defined, shall not be included in a school district nurse-to-pupil ratio.*

Because this bill would require school districts to perform new duties, it would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The health needs of pupils are currently not being adequately
4 met in California's schools due to the lack of qualified health
5 professionals employed by the school districts who have access
6 to local school campuses.

7 (b) Nurses are uniquely qualified to attend to the primary care
8 of pupils suffering from chronic and acute health conditions.

9 (c) It is the intent of the Legislature in enacting this act to ensure
10 that school districts more adequately address and meet the health
11 care needs of pupils by requiring that school districts employ a
12 sufficient number of qualified nurses to attend to the health needs
13 of pupils.

14 SEC. 2. Section 49404 is added to the Education Code, to read:

15 49404. The governing board of a school district may bill a
16 pupil's health insurer for the cost of health care services provided
17 to the pupil.

18 SEC. 3. Section 49426.5 is added to the Education Code, to
19 read:

20 49426.5. (a) The governing board of a school district shall
21 employ at least one school nurse, registered nurse, or licensed
22 vocational nurse for every 750 pupils.

23 (b) A registered nurse or licensed vocational nurse shall provide
24 health care services to pupils under the supervision of a school

1 nurse. A school nurse may not supervise more than a combined
2 total of five registered nurses and licensed vocational nurses.

3 (c) A school district may contract with a county office of
4 education for the services of a school nurse employed by the county
5 office of education.

6 (d) ~~This section shall not apply to school districts that are~~ *The*
7 *number of pupils enrolled at a school served by a school health*
8 *center, as defined in Section 124174 of the Health and Safety Code,*
9 *shall not be included in a school district nurse-to-pupil ratio*
10 *calculated pursuant to this section.*

11 (e) *Schools with more than 750 enrolled pupils need not employ*
12 *more than one nurse.*

13 (e)

14 (f) For purposes of this section, the following definitions apply:

15 (1) “Registered nurse” means a registered nurse currently
16 licensed under Chapter 6 (commencing with Section 2700) of
17 Division 2 of the Business and Professions Code.

18 (2) ~~“Licensed vocation vocational nurse”~~ means a licensed
19 vocational nurse currently licensed under Chapter 6.5 (commencing
20 with Section 2840) of Division 2 of the Business and Professions
21 Code.

22 (f)

23 (g) This section shall become operative on July 1, 2020.

24 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
25 ~~Section 6 of Article XIII B of the California Constitution because~~
26 ~~the only costs that may be incurred by a local agency or school~~
27 ~~district are the result of a program for which legislative authority~~
28 ~~was requested by that local agency or school district, within the~~
29 ~~meaning of Section 17556 of the Government Code and Section~~
30 ~~6 of Article XIII B of the California Constitution.~~

31 *SEC. 4. If the Commission on State Mandates determines that*
32 *this act contains costs mandated by the state, reimbursement to*
33 *local agencies and school districts for those costs shall be made*
34 *pursuant to Part 7 (commencing with Section 17500) of Division*
35 *4 of Title 2 of the Government Code.*